

**REMARKS**

In response to the Final Office Action dated April 3, 2008, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance. Prior to entry of this response, Claims 1-32 were pending in the application, of which Claims 1, 18 and 25 are independent. In the Final Office Action dated April 3, 2008, Claims 1-3, 11, 13, 16, 18-21, 23, and 25-32 were rejected under 35 U.S.C. §102(b) and Claims 4-10, 12, 14-15, 17, 22, and 24 were rejected under 35 U.S.C. §103(a). Following this response, Claims 1-31 remain in this application with Claim 32 being canceled without prejudice or disclaimer. Applicant hereby addresses the Examiner's rejections in turn.

I. **Interview Summary**

Applicant thanks Examiner Zhong and Senior Examiner Svizastava for the courtesy of a telephone interview on May 28, 2008, requested by the undersigned to discuss the rejection of the current claims under 35 U.S.C. §§ 102 and 103. During the interview, Applicants asserted that the cited references neither anticipate nor render obvious the claims as amended. The Examiners stated that the amendments appeared to overcome the references, but that a further search would be required. No agreement was reached regarding patentability.

## II. Rejection of the Claims Under 35 U.S.C. § 102(b)

Claims 1-3, 11, 13, 16, 18-21, 23, and 25-32 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,486,920 ("*Arai*"). Claims 1, 18, and 25 have been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter.

Claim 1, as amended, recites, "implementing a user profile comprising user selected criteria, wherein the user selected criteria comprises at least one content rating to exclude" and "creating a personalized channel at the client device, wherein the personalized channel comprises content from two or more predetermined channels and wherein the personalized channel excludes content based on the at least one content rating in the user profile." Amended Claims 18 and 25 each includes a similar recitation. Support for these amendments may be found at least on page 11, lines 14-22.

Consistent with exemplary embodiments, data streams may be tagged with tags corresponding to classifications of media content. (See Specification, page 11, lines 14-15.) Classifications may include content type or format, subject matter, and rating (e.g., G, R, PG-13, etc.), among others. (See Specification, page 11, lines 16-19.) The tags may allow a client device to control content presentation to a user. (See Specification, page 11, lines 19-22.) A user profile may store information entered by the user relating to preferred content to be viewed as well as preferred content to be blocked. (See Specification, page 13, lines 11-13.)

In contrast, *Arai* at least does not disclose the aforementioned recitation from amended Claim 1. For example, *Arai* merely discloses that in a program information search algorithm, a search is performed only for programs whose start times are equal

to or later than an added searched program's end time. (See col. 9, lines 46-49.) For example, in *Arai*, when a program ending at 14:00 is added to a searched program information list, no search is performed for programs having start times earlier than 14:00. (See col. 9, lines 49-52.) Rather, in *Arai*, the search is performed for programs having start times equal to or later than 14:00. (See col. 9, lines 52-54.) Nowhere, however, does *Arai* disclose setting a content rating in a user profile to block all such rated content from a user. Rather, *Arai* merely implements a search algorithm that is user independent.

*Arai* fails to anticipate the claimed subject matter because *Arai* at least does not disclose "implementing a user profile comprising user selected criteria, wherein the user selected criteria comprises at least one content rating to exclude" and "creating a personalized channel at the client device, wherein the personalized channel comprises content from two or more predetermined channels and wherein the personalized channel excludes content based on the at least one content rating in the user profile," as recited by amended Claim 1. Amended Claims 18 and 25 each includes a similar recitation. Accordingly, independent Claims 1, 18, and 25 are each patentably distinguishable over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 1, 18, and 25.

Dependent Claims 2-3, 11, 13, 16, 19-21, 23, and 26-31 are also allowable at least for the reasons described above regarding independent Claims 1, 18, and 25, and by virtue of their respective dependencies upon independent Claims 1, 18, and 25. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 2-3, 11, 13, 16, 19-21, 23, and 26-31.

### III. Rejection of the Claims Under 35 U.S.C. § 103(a)

Claims 4-10, 12, 14-15, 17, 22, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Arai* in view of U.S. Patent Pub. No. 2003/0093792 ("*Labeeb*"). Dependent Claims 4-10, 12, 14-15, and 17 are patentably distinguishable over the cited art for at least the reason that they include, due to their dependency on amended independent Claim 1, "implementing a user profile comprising user selected criteria, wherein the user selected criteria comprises at least one content rating to exclude" and "creating a personalized channel at the client device, wherein the personalized channel comprises content from two or more predetermined channels and wherein the personalized channel excludes content based on the at least one content rating in the user profile." Dependent Claims 22 and 24 are patentably distinguishable over the cited art for at least the reason that they include a similar recitation due to their dependency on amended independent Claim 18. Support for these amendments may be found at least on page 11, lines 14-22.

In contrast, and as stated above, *Arai* at least does not disclose the aforementioned recitation from amended Claim 1. For example, *Arai* merely discloses that in a program information search algorithm, a search is performed only for programs whose start times are equal to or later than an added searched program's end time. (See col. 9, lines 46-49.) For example, in *Arai*, when a program ending at 14:00 is added to a searched program information list, no search is performed for programs having start times earlier than 14:00. (See col. 9, lines 49-52.) Rather, in *Arai*, the search is performed for programs having start times equal to or later than 14:00. (See

col. 9, lines 52-54.) Nowhere, however, does *Arai* disclose setting a content rating in a user profile to block all such rated content from a user. Rather, *Arai* merely implements a search algorithm that is user independent.

Furthermore, *Labeeb* does not overcome *Arai*'s deficiencies. For example, *Labeeb* merely discloses that preference determination is used to predict a user's preferences for TV program choice. (See paragraph [0067], lines 1-2.) In *Labeeb*, the user preference prediction is based on i) individual user viewing habit analysis; ii) representative user sample viewing habit analysis; and iii) EPG data for television programs available during a collected sample's period. (See paragraph [0067], lines 3-7.) *Labeeb* further discloses that content providers can automatically exclude certain segments of the audience from accessing highly-targeted material. Nowhere, however, does *Labeeb* disclose setting a content rating in a user profile to block all such rated content from a user. Rather *Labeeb* merely discloses that providers may excluded untargeted users from receiving some content.

Combining *Arai* with *Labeeb* would not have led to the claimed subject matter because *Arai* and *Labeeb* at least do not disclose "implementing a user profile comprising user selected criteria, wherein the user selected criteria comprises at least one content rating to exclude" and "creating a personalized channel at the client device, wherein the personalized channel comprises content from two or more predetermined channels and wherein the personalized channel excludes content based on the at least one content rating in the user profile," as included in dependent Claims 4-10, 12, 14-15, and 17. Dependent Claims 22 and 24 each includes a similar recitation. Accordingly, dependent Claims 4-10, 12, 14-15, 17, 22, and 24 are each patentably distinguishable

over the cited art, and Applicant respectfully requests withdrawal of this rejection of dependent Claims 4-10, 12, 14-15, 17, 22, and 24.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

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